

Appln. No. 09/810,903  
Amendment  
Reply to Office Action dated Dec. 1, 2004

Docket No. 6979-1

### REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated December 1, 2004. This amendment is filed with a request for a one month extension of time, and authorization to charge Deposit Account No. 50-0951 the appropriate fees therefor.

At the time of the Office Action, claims 1-25 and 29-52 were pending in the application. In the Office Action, Claims 1, 2, 9, 10, 14-18, 20-25, 29, 30, 37, 38 and 42-52 were rejected under 35 U.S.C. §102(e). Claim 19 was rejected under 35 U.S.C. §103(a). Claims 3-8 and 31-36 were rejected under 35 U.S.C. §112, second paragraph. Claims 13 and 41 were allowed. The rejections are discussed in more detail below.

#### I. Rejections under 35 U.S.C. §112, second paragraph

Claims 3-8 and 31-36 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 3 and 31 define "delivering of the packages" which have already been "grouped". The Office Action asserts that the claims as written defined the grouping of the packages prior to the creation of the packages. Applicant disagrees, as the claims do not specify a particular order, and it is believed inherent that packages must be created before they can be grouped. Nevertheless, applicant amends claims 3 and 31, as well as claims 1 and 29, upon which they are dependent, to clarify that the sorting steps in the distribution centers are carried out prior to the step in which packages are grouped. Withdrawal of the rejection is thus believed appropriate.

#### II. Claim Rejections on Art

In the Office Action, claims 1, 2, 9, 10, 14-18, 20-25, 29, 30, 37, 38 and 42-52 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,456,900 to Kakuta. Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kakuta in view of U.S. Patent No. 6,323,782 to Stephens et al. Applicant respectfully submits that neither Kakuta nor

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Stephens disclose or suggest the features recited by the present claims, either singly or in combination.

Applicant has amended claims 1 and 29 herein, which are believed fully differentiated from the cited prior art. Applicant notes that the disclosure of Kakuta involves a merchandise delivering system designed to accept an order from a customer and facilitate delivery of the ordered merchandise to a storage locker system from which the customer can pick up the order. The system of Kakuta focuses on protecting the privacy and security of customer information with features that allow for delivery and pickup to an unspecified customer (the system does not require the customer to provide basic information such as their name or address).

The system and method claimed in the present application overlaps with the Kakuta system, and similar prior art references, in the respect that such systems allow recipients to pick up packages from an unattended automated storage system in a self-service manner, however, there are some important differences between the prior systems and the present system and method as recited in the claims.

Important differences between the cited prior art references and the present method and system are apparent in the steps of a method of efficient bulk delivery defined in the present claims. Those steps can be categorized into two areas – delayed package creation and grouping packages for bulk delivery to pickup locations. Because the system of Kakuta and the systems of the other cited prior art references do not discuss the process of creating packages to fulfill customer orders or a method to organize packages for delivery to their storage systems, one must assume the traditional delivery process of conventional package shippers (e.g. UPS, FedEx, USPS). The traditional delivery process of conventional package shippers involves using sophisticated technology to organize a large number of packages for delivery to a large number of destinations. Conventional delivery companies use distribution centers to sort and route packages of ordered items onto trucks bound for geographic markets where the packages will be delivered. The conventional delivery companies do not create the packages they deliver and they do not group the packages for bulk delivery (delivery of multiple packages for multiple recipients to a single location) to pickup locations from which many recipients can pickup their packages.

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The system and method defined in the present claims organizes the ordered items and their corresponding order information to achieve the same transport efficiency that store-based retailers achieve in shipping items to their stores in bulk by the case load. In the present system and method, items travel most of the distance of their journey from a retailer's fulfillment site packed efficiently in cases or other containers, because packages are not created for recipients until much later in the distribution process, at a distribution center closest to the pickup location. The amount of wasted space in packages of the traditional delivery fulfillment method is substantial, and the packing inefficiency is experienced across the entire distance that the packages travel from the retailer's fulfillment site, through distribution hubs, to the delivery destination. This wasted space translates into additional transportation vehicles, fuel, and manpower needed for delivery.

Neither Kakuta nor any of the other cited prior art references teaches or suggests such a delayed package creation method or system. Claims 1 and 29 are amended to reflect this distinction, and recite that the package is created at the distribution center, after receipt of transported items packed in cases containing all the same item.

Newly added claims 56 and 60 (and claims 57-59 and 61-63 dependent therefrom) further define the delayed package creation process. In the method and system defined in claims 56-63, items received at an origination distribution center are organized by item identifier (for example, packed in cases of all the same item) and are then sorted and transported to destination distribution centers (still packed in cases) in quantities to meet order demand across many recipients. It is also possible that the items are sorted and moved within the distribution center that first receives the items, in instances where one distribution center serves as both an origination distribution center and a destination distribution center. Cases of those items are then sorted at the destination distribution center to packing stations associated with centralized destination pickup locations. The items can be picked from the cases at the packing stations and reorganized by recipient identifier (or an identifier linked to a recipient such as an order identifier) into a package. This example method of package creation results in packages that are already grouped by pickup location identifier because of the sorting done prior to the completing package creation. The steps of this method of order fulfillment and distribution (that was referred to earlier as delayed package

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creation) are described in detail in the specification of the present system and method and are further defined most prominently in claims 1, 3, 4, 56, and 57 and in claims 29, 31, 32, 60, and 61.

Based on the foregoing amendments and the remarks set forth above, claims 1 and 29 are believed to be allowable. Withdrawal of the rejection of claims 1 and 29 is therefore respectfully requested. The claims dependent upon independent claims 1 and 29 are also believed allowable because of their dependence upon an allowable base claim and because of the further features recited.

III. Allowed subject matter.

Claims 13 and 41 are allowed. Claims 11, 12, 39 and 40 were indicated to be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims, but are additionally believed allowable due to their dependence upon allowable base claims.

IV. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

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Respectfully submitted,



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